

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 4:20-CR-212
	§	Judge Mazzant
DEBRA LYNN MERCER-ERWIN (1)	§	

MOTION TO COMPEL TESTIMONY

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the United States of America, by and through the Assistant United States Attorney, Ernest Gonzalez, for the Eastern District of Texas, and files this motion and would show as follows:

I.

That on or about April 6, 2023 a trial subpoena to appear was issued and served upon an authorized representative of Bank of America. The subpoena requires the witness' appearance to testify at the trial of Defendant Debra Mercer-Erwin. The testimony of this representative is necessary to certify record exhibits provided by Bank of America.

II.

To date, the custodian of records for Bank of America has not appeared as requested by the trial subpoena. Therefore, the United States Attorney's Office requests this Court compel the witness by Court order to appear before this Honorable Court instant and provide testimony as required by the subpoena issued to Bank of America.

IV.

If the witness refuses to comply to such order, that they be required to show cause why they should not be immediately sanctioned for contempt under Title 18, United States Code, Section 401, Fed. R. Crim. P. 42, and Title 28, United States Code, Section 1826.

V.

The Government would show that the witness has no legal basis to refuse to provide testimony.

WHEREFORE, the Government urges the Court to issue an Order compelling Bank of America to provide an authorized representative to testify as to the authenticity of the records of Bank of America, and if Bank of America refuses to comply with such Order that they be sanctioned with appropriate contempt penalties.

Respectfully submitted,

BRIT FEATHERSTON
United States Attorney

_____/s/_____
ERNEST GONZALEZ
Assistant United States Attorney
Texas Bar No. 00789318
101 E. Park Blvd., Suite 500
Plano, Texas 75074
(972) 509-1201
(972) 509-1209 (fax)
Ernest.Gonzalez@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed via electronic filing to defense counsel on April 11, 2023.

_____/s/_____
ERNEST GONZALEZ